

Message Text

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ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 9174

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E.O. 11652: N/A

TAGS: EAIR JA

SUBJ: CIVAIR: PROPOSED CBIT FARES

REF: (A) TOKYO 4286; (B) STATE 74986

1. FONOFF RESPONDED ON APRIL 4 TO OUR INFORMAL DEMARCHE ON CBIT FARES (REF A). GOJ POSITION IS THAT JCAB DIS-APPROVAL OF RATES FILED BY PAM AM AND NORTHWEST WILL STAND EVEN THOUGH PROCEDURES OF BILATERAL AGREEMENT WERE NOT STRICTLY FOLLOWED. CONSEQUENTLY, NEW RATES ARE NOT IN EFFECT AS FAR AS GOJ IS CONCERNED. SINCE RATES ARE FOR SERVICES ORIGINATING IN JAPAN, JCAB CONSIDERS THAT USCAB SHOULD TAKE QTE UNDERSTANDING ATTITUDE UNQTE-- AS JCAB HAS DONE IN PAST INSTANCES (NOT DETAILED) WHERE USCAB HAS TURNED DOWN RATES PROPOSED BY JAL FOR SERVICES ORIGINATING IN US. FONOFF VOLUNTEERED THAT GOJ DOES NOT REPEAT NOT INTEND TO ASK FOR GOVT-TO-GOVT CONSULTATIONS UNDER BILATERAL, BUT IT CONTINUES TO BELIEVE THAT CONSULTATIONS BETWEEN JAL, PAN AM AND NORTHWEST WOULD BE USEFUL AND HOPES THAT TALKS CAN BE HELD THIS MONTH. JCAB WOULD BE PREPARED TO GIVE FAVORABLE CONSIDERATION TO RATES MUTUALLY AGREED UPON BY CARRIERS.

2. IN LIGHT REF B EMBASSY CONFINED RESPONSE TO TAKING NOTE OF JAPANESE POSITION AND RESTATING USG POSITION, WITH COMMENT THAT WE CLEARLY AT IMPASSE ON QUESTION WHETHER
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RATES ARE OR ARE NOT IN EFFECT.

3. ON (SEPARATE) ISSUE OF POSSIBLE CONSULTATIONS AMONG CARRIERS, WE STATED THAT WE DID NOT KNOW HOW USG WOULD REACT TO PROPOSAL, BUT NOTED THAT IN VIEW POSSIBLE ANTI-TRUST IMPLICATIONS, U.S. AIRLINES PRESUMABLY WOULD HAVE TO GET USG APPROVAL IF THEY WISH TO PARTICIPATE. FYI PAN AM/TOKYO REP (MCDONALD) INFORMED US THAT PAN AM/ WASHINGTON IS DRAWING UP PETITION FOR WAIVER OF ANTITRUST PROVISIONS, POSSIBLY FOR SUBMISSION TO CAB ON APRIL 7. HOWEVER, MCDONALD SAID HE MIGHT RECOMMEND AGAINST PAN AM PARTICIPATION IN CARRIER CONSULTATIONS AND STAND ON BILATERAL AGREEMENT RIGHTS. END FYI,

4. COMMENT. ALTHOUGH JCAB SEEMS UNCOMFORTABLE IN HAVING TURNED DOWN CBIT RATES WITHOUT HAVING FOLLOWED APPROPRIATE PROCEDURES UNDER BILATERAL, IT CLEARLY DOES NOT INTEND TO BACK DOWN UNLESS FURTHER PRESSURE IS APPLIED. FONOFF DOES NOT APPEAR TO HAVE PLAYED MORE THAN INTERMEDIARY ROLE AND PROBABLY WOULD BE CONTENT--IF WE ARE-- TO LET THE MATTER DRIFT. WE ASSUME, HOWEVER, THAT IT WOULD BE IN U.S. INTEREST TO GET PROBLEM OFF DEAD CENTER. IF SO, WE BELIEVE WE SHOULD MAKE FURTHER INFORMAL APPROACH TO FONOFF AT SOMEWHAT HIGHER LEVEL. IF THIS PRODUCES NO RESULTS, THEN WE BELIEVE DEPARTMENT SHOULD RECONSIDER DESIRABILITY OF U.S. TAKING INITIATIVE IN REQUESTING GOVT-TO-GOVT CONSULTATIONS. PLEASE ADVISE. SHOESMITH

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